IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No.29296 of 1997

Dated: 14-03-2007

Between:

Metikala Venkateshwarlu.

..... PETITIONER

AND

The Chief General Manager,
State Bank of Hyderabad, Gunfoundry,
Hyderabad and others.

.....RESPONDENTS

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The Hon'ble Sri Justice Nooty Ramamohana Rao

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Writ Petition No.29296 of 1997

Order:

The writ petitioner, who claims to have been temporarily appointed as a peon in the Khammam Branch of the State Bank of Hyderabad, has instituted this Writ Petition seeking a writ of Mandamus by declaring the action of the respondents in not allowing him to discharge his duties as a peon in the third respondent-branch of the Bank

without following the due process of law as illegal, void and violative of the fundamental rights guaranteed to him under Articles 14, 21 and 311 of the Constitution of India.

The writ petitioner, on his own showing, had been posted as a peon at the third respondent-branch of the Bank on
26-06-1988 and on the same day, he reported to duty. After working for 15 days at the third respondent-branch, the petitioner alleges that unfortunately, his wife suffered a set back in her health and since there was no one to look after his wife and his small children, he had to leave the branch immediately to go to his native village. Thereafter, the writ petitioner himself met with an accident and suffered an injury requiring prolonged treatment. In those set of circumstances, he could not resume the work, but however, finding himself to have regained the necessary capacity, he had reported to duty on 24th May, 1989 and produced the medical certificate issued by a private medical practitioner dated 23rd May, 1989. The writ petitioner asserts that when he reported to duty on 24th May, 1989, he had not been entertained to duty nor was any order passed. Hence, he filed the present Writ Petition.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondent-Bank.

Firstly, the petitioner has not pointed out as to his legal

status vis-à-vis the bank. The material produced by the petitioner does not indicate any sanction of the leave applied for by him or any permission accorded by the third respondent-authorities to abstain himself from the services of the Bank. There is no other material produced by the writ petitioner to establish that either himself or any one of his family members were so critically ill that he could not intimate the same for such a long period to the third respondent-authorities. In case of emergency and for the factors and reasons beyond one's control, a few days of absence, perhaps, is understandable, but, long period of absence without securing the necessary leave cannot be countenanced in any organization. It is subversive of the discipline and it will have disastrous effect on the productivity and efficiency of any organization. It is not open to any employee to abstain from duty for such a long period without securing the necessary leave and later produce certificates of medical fitness issued by private practitioners and based thereon, press the claim for re-engagement.

I therefore, find no justification whatsoever for the writ petitioner to have abstained from duty for such an indefinitely long period without securing the necessary leave from the authorities concerned and then seek re-engagement, as a matter of course, as and when he feels like securing engagement of his services by reporting to duty. Such privileges cannot be conceded even to a permanent employee, much less to casual or temporarily

engaged employees.

Further, this writ petition itself has been instituted on 1st November, 1997 with an extraordinary delay of more than 8 years after he is allegedly denied reengagement into service. There are no reasons explaining the laches on the part of the writ petitioner. Rights in public employment cannot be agitated with such delay and laches. For this reason also, the Writ Petition deserves to be dismissed.

Accordingly, I do not find any merit in this writ petition, and it is, accordingly, dismissed, but however, without costs.

(Nooty Ramamohana Rao, J)

14th March, 2007
LUR